

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9543

IN THE MATTER OF:

Served May 11, 2006

WHEELCHAIR MOBILE TRANSPORT, INC.,) Case No. MP-2005-186
Suspension and Investigation of)
Revocation of Certificate No. 127)

This matter is before the Commission on respondent's response to Order No. 9210, served December 28, 2005.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 127 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 127 became invalid on December 28, 2005, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 9210 noted the automatic suspension of Certificate No. 127 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 127, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 127. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 23, 2006. The effective date of the new endorsement is December 29, 2005. This means that respondent was without insurance coverage for one day - December 28, 2005.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 127 as directed by Order No. 9210. Respondent says it has not operated since December 26, 2005, and this is corroborated by ACS State Healthcare, the agent for processing carrier invoices for the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid). In addition to DC Medicaid rates, however, respondent also has filed rates for service rendered to the general public.

¹ Compact, tit. II, art. XI, § 7(g).

Accordingly, respondent shall be directed to furnish additional corroboration in the form of respondent's general business records².

IT IS SO ORDERED.

1. That within thirty days from the date of this order, respondent shall verify it ceased all operations in the Metropolitan District as of December 28, 2005.

2. That within thirty days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning November 28, 2005, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. invoices from other carriers;
- c. calendars and itineraries;
- d. bank and payroll records;
- e. insurance documents;
- f. advertising materials;
- g. income tax and personal property returns.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, SMITH, AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

² See Compact, tit. II, art. XII, § 1(b) (mandating Commission access to carrier records).